

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CARLOS CLARK, : Case No. 1:16-cv-547
: :
Plaintiff, : Judge Timothy S. Black
: vs. : Magistrate Judge Karen L. Litkovitz
: :
DANIEL BURKE, *et al.*, :
: :
Defendants. : :

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATIONS
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 21)**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on January 10, 2017, submitted a Report and Recommendations. (Doc. 21). No objections were filed.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendations should be and is hereby adopted in its entirety.

Accordingly:

1. Defendants' motion to dismiss Plaintiff's claims against Defendants in their official capacities (Doc. 10) is **GRANTED**;

2. Defendants' motion to dismiss Plaintiff's excessive use of force claim against Defendants in their individual capacities (Doc. 10) is **DENIED**;
3. Defendants' motion to dismiss the claims set forth in Plaintiff's Amended Claim Form (Revised) (Doc. 19) is **DENIED** as **MOOT**; and
4. Plaintiff's claim for deliberate indifference to medical needs is **DISMISSED** for failure to state a claim for relief.

IT IS SO ORDERED.

Date: 1/27/17

Timothy S. Black
Timothy S. Black
United States District Judge